

HIGHLY CONFIDENTIAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SURGICAL INSTRUMENT SERVICE)
COMPANY, INC.,)

Plaintiff,)

VS.)

INTUITIVE SURGICAL, INC.,)

Defendant.)
_____)

CASE NO.:

3:21-cv-03496-VC

- - HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY - -

VIDEOTAPED ZOOM DEPOSITION OF MAXWELL MENG, M.D.

March 7, 2023

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JOB NO.: 5782454

REPORTED BY: MICHELLE MEDEL SABADO, RPR, CRR, CSR #7423

Page 1

1 VIDEOTAPED ZOOM DEPOSITION OF MAXWELL MENG,
2 M.D., TAKEN ON BEHALF OF PLAINTIFF, COMMENCING AT 9:38
3 A.M., TUESDAY, MARCH 7, 2023, AT SAN FRANCISCO,
4 CALIFORNIA, BEFORE MICHELLE MEDEL SABADO, RPR, CRR, CSR
5 #7423.

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11 (ALL PARTIES APPEARING REMOTELY)

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Also Present:

ANTHONY GULINO - THE VIDEOGRAPHER

1 A Well, I think all sterilized instruments 10:39
2 can't be stored forever and there's a time at which they
3 need to be used by.

4 Q And -- and that's part of the OR and
5 reprocessing department process to keep track of when 10:40
6 they were sterilized and when they're next used?

7 A Correct.

8 Q Any -- any other examples of OR equipment
9 that has expiration dates?

10 A Not that I can think of right now. 10:40

11 Q And then you talked about limited numbers of
12 lives or -- or limited amount of use or something I -- I
13 don't -- but are there other devices not -- that don't
14 have expiration dates that have other limitations in
15 their surgical use over time? 10:40

16 A Such as the EndoWrist?

17 Q That would be an example.

18 A That is an example, yes.

19 Q Do you have any other examples like that?

20 A Not that -- not that I can think of right 10:41
21 now.

22 Q How long have you been practicing medicine,
23 Dr. Meng?

24 A Twenty-five-ish years.

25 Q In those 25 years, you can't think of another 10:41

1 example of a limited use or limited lifetime device that 10:41
2 you've seen?

3 A Well, I think one potential example is a Endo
4 GIA stapler.

5 Q What is the nature of the limitation on use 10:41
6 or life for the -- for an Endo GIA stapler?

7 A I think it may be six fires or seven, in that
8 ballpark range.

9 Q Do you know who the manufacturer is of the
10 Endo GIA stapler that you're thinking of? 10:42

11 A It may be Valleylab.

12 Q Valleylab?

13 A Yeah, but I think they -- that's part of a
14 bigger company. I can't remember offhand the
15 manufacturer. 10:42

16 Q An Endo GIA stapler is not something that
17 attaches to a -- Intuitive da Vinci system?

18 A It is not.

19 Q What happens when the Endo GIA stapler, I
20 guess ex -- lets off all of its fires? 10:42

21 A We get a new one.

22 Q It won't work for any more?

23 A It could work but our guidance is certain
24 limited uses then we get a new stapler.

25 Q Any other examples other than a Endo GIA 10:43

1 stapler for limited use or limited lifetime of devices 10:43
2 that you've seen or heard of in your 25 years of medical
3 practice?

4 A I think the stapler would be the one that we
5 use a fair amount and would be a good example of that. 10:43

6 Q I understand that be may be a good example
7 but I'm just asking in -- in all of your 25 years of
8 medical practice, are there any other examples that you
9 can think of other than EndoWrists and an Endo GIA
10 stapler? 10:43

11 A No.

12 Q I'd like to go back to your Exhibit -- it was
13 Exhibit 10. I think I'm putting it on your screen again.

14 A Correct.

15 Q If you want to go down to paragraph 17 and 10:44
16 take a look at that and let me know when you're ready to
17 discuss that paragraph, and anything else you want to
18 look at before you discuss that paragraph.

19 (Document reviewed by the witness.)

20 THE WITNESS: Okay. 10:44

21 BY MR. VAN HOVEN:

22 Q First, I -- I'd like to -- so this is talking
23 about limits for use so we call that -- we'll call those
24 use limits, is that fair?

25 A Fair. 10:44